

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION  
Case No. 22-cv-20979-JB

MICHAEL NEWMAN, as Personal  
Representative of the ESTATE OF JOEL  
NEWMAN, and EDITH NEWMAN,

Plaintiffs,

v.

AMERICAN HOME ASSURANCE  
COMPANY, INC.,

Defendant.

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**AMERICAN HOME ASSURANCE COMPANY'S NOTICE  
OF WITHDRAWAL OF AFFIRMATIVE DEFENSE**

American Home Assurance Company ("American Home") hereby withdraws its Ninth Affirmative Defense titled "Failure of Condition Precedent" along with American Home's proposed jury instruction number 8 (DE 356 at p. 51) and stipulates to the adequacy of Plaintiffs' Civil Remedy Notice ("CRN") filed by Reed Smith on May 6, 2019 as a statutory condition precedent.<sup>1</sup>

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<sup>1</sup>American Home maintains that the CRNs are inadmissible as hearsay, irrelevant, and unfairly prejudicial and constitute mere allegations of counsel. DE 362-1, pp. 7-8. Plaintiffs recognized in objecting to American Home's proposed (and now withdrawn) special instruction that the adequacy of the CRN is a "question to be determined as a matter of law by the Court, not the jury." DE 356 at p. 51.

/s/ Jack Reiter

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 11, 2024, the foregoing was filed using the Court's CM/ECF system and served via email or transmission of Notices of Electronic Filing generated by CM/ECF to all counsel of record by the Court's CM/ECF system.

/s/ Jack R. Reiter